

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLIAM WARREN BOOTH,

Plaintiffs,

vs.

WASHOE COUNTY SHERIFF, *et al.*,

Defendants.

3:17-cv-00601-MMD-WGC

**REPORT & RECOMMENDATION
OF U.S. MAGISTRATE JUDGE**

This Report and Recommendation is made to the Honorable Miranda M. Du, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

Plaintiff, who was detained at the Washoe County Detention Facility, filed his application to proceed in forma pauperis (IFP) and pro se complaint (ECF No. 1-1) on September 28, 2017. When an inmate seeks to proceed without prepaying the filing fee, he is required to submit a certified copy of his inmate trust fund account. 28 U.S.C. § 1915(a)(2). Plaintiff's IFP application was not accompanied by a certified copy of the trust fund account statement. Therefore, on October 6, 2017, the undersigned issued an order giving Plaintiff thirty days to file the certified account statement, and cautioning him that a failure to do so may result in dismissal of his action. (ECF No. 3.) The order was returned as undeliverable. (ECF No. 4.) Plaintiff has not filed an updated address with the court or otherwise submitted the certified trust fund account statement.

Therefore, it is recommended that his action be dismissed without prejudice.

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RECOMMENDATION

IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING** this action **WITHOUT PREJUDICE** as a result of Plaintiff's failure to apprise the court of his updated address, file a complete IFP application or pay the filing fee to initiate this action.

The Plaintiff should be aware of the following:

1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to this Report and Recommendation within fourteen days of receipt. These objections should be titled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the district judge.

2. That this Report and Recommendation is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed until entry of judgment by the district court.

DATED: January 30, 2018.



WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE